

**BEFORE THE
BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 200-2021-000271

ARMANDO SOTO, JR.
1966 E. 114th Street
Los Angeles, CA 90059

Licensed Clinical Social Worker
License No. LCSW 87970

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Behavioral Sciences, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on January 5, 2023.

It is so ORDERED December 6, 2022.



FOR THE BOARD OF BEHAVIORAL SCIENCES
DEPARTMENT OF CONSUMER AFFAIRS

1 ROB BONTA
Attorney General of California
2 KIM KASRELIOVICH
Supervising Deputy Attorney General
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8 **BEFORE THE**
9 **BOARD OF BEHAVIORAL SCIENCES**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 200-2021-000271

13 **ARMANDO SOTO, JR.**
14 1966 E. 114th Street
Los Angeles, CA 90059

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Licensed Clinical Social Worker
16 License No. LCSW 87970

17 Respondent.
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20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Steve Sodergren (Complainant) is the Executive Officer of the Board of Behavioral
24 Sciences (Board). He brought this action solely in his official capacity and is represented in this
25 matter by Rob Bonta, Attorney General of the State of California, by Thomas L. Rinaldi,
26 Supervising Deputy Attorney General.

27 2. Respondent Armando Soto, Jr. (Respondent) is representing himself in this
28 proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about February 25, 2019, the Board issued Licensed Clinical Social Worker License No. LCSW 87970 to Respondent. The Licensed Clinical Social Worker License was in full force and effect at all times relevant to the charges brought in Accusation No. 200-2021-000271, and will expire on February 28, 2023, unless renewed.

JURISDICTION

4. Accusation No. 200-2021-000271 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on May 20, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 200-2021-000271 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 200-2021-000271. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 200-2021-000271.

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10. Respondent agrees that his Licensed Clinical Social Worker License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Behavioral Sciences. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Behavioral Sciences may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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1 relationship with respondent, and shall not be respondent's supervisor. Counseling shall be at least
2 once a week unless otherwise determined by the Board. Respondent shall continue in such
3 therapy at the Board's discretion. Cost of such therapy is to be borne by respondent.

4 Respondent may, after receiving the Board's written permission, receive therapy via
5 videoconferencing if respondent's good faith attempts to secure face-to-face counseling are
6 unsuccessful due to the unavailability of qualified mental health care professionals in the area.
7 The Board may require that respondent provide written documentation of his good faith attempts
8 to secure counseling via videoconferencing.

9 Respondent shall provide the therapist with a copy of the Board's Decision no later than the
10 first counseling session. Upon approval by the Board, respondent shall undergo and continue
11 treatment until the Board or its designee determines that no further psychotherapy is necessary.

12 Respondent shall take all necessary steps to ensure that the treating psychotherapist submits
13 quarterly written reports to the Board concerning respondent's fitness to practice, progress in
14 treatment, and to provide such other information as may be required by the Board. Respondent
15 shall execute a Release of Information authorizing the therapist to divulge information to the
16 Board.

17 If the treating psychotherapist finds that respondent cannot practice safely or independently,
18 the psychotherapist shall notify the Board within three (3) working days. Upon notification by
19 the Board, respondent shall immediately cease practice and shall not resume practice until
20 notified by the Board or its designee that respondent may do so. Respondent shall not thereafter
21 engage in any practice for which a license issued by the Board is required until the Board or its
22 designee has notified respondent that he may resume practice. Respondent shall document
23 compliance with this condition in the manner required by the Board.

24 3. Supervised Practice

25 Within 30 days of the effective date of this decision, respondent shall submit to the Board
26 or its designee, for its prior approval, the name and qualification of one or more proposed
27 supervisors and a plan by each supervisor. The supervisor shall be a current California licensed
28 practitioner in respondent's field of practice, who shall submit written reports to the Board or its

1 designee on a quarterly basis verifying that supervision has taken place as required and including
2 an evaluation of respondent's performance. The supervisor shall be independent, with no prior
3 business, professional or personal relationship with respondent.

4 If respondent is unable to secure a supervisor in his field of practice due to the
5 unavailability of mental health care professionals in the area, then the Board may consider the
6 following options for satisfying this probationary term:

7 (1) Permitting respondent to receive supervision via videoconferencing; or,

8 (2) Permitting respondent to secure a supervisor not in respondent's field of practice.

9 The forgoing options shall be considered and exhausted by the Board in the order listed
10 above. The Board may require that respondent provide written documentation of his good faith
11 attempts to secure face-to-face supervision, supervision via videoconferencing or to locate a
12 mental health professional that is licensed in respondent's field of practice.

13 Respondent shall complete any required consent forms and sign an agreement with the
14 supervisor and the Board regarding Respondent and the supervisor's requirements and reporting
15 responsibilities. Failure to file the required reports in a timely fashion shall be a violation of
16 probation. Respondent shall give the supervisor access to respondent's fiscal and client records.
17 Supervision obtained from a probation supervisor shall not be used as experience gained toward
18 licensure.

19 If the supervisor is no longer available, respondent shall notify the Board within 15 days
20 and shall not practice until a new supervisor has been approved by the Board. All costs of the
21 supervision shall be borne by respondent. Supervision shall consist of at least one (1) hour per
22 week in individual face to face meetings. The supervisor shall not be respondent's therapist.

23 **4. Dependency Support Program**

24 Respondent shall attend a dependency support program approved by the Board no less than
25 2 times per week. Respondent shall provide proof of attendance at said program with each
26 quarterly report that Respondent submits during the period of probation. Failure to attend, or to
27 show proof of such attendance, shall constitute a violation of probation.

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1 **5. Education**

2 Respondent shall take and successfully complete the equivalency of two semester units in
3 substance use/abuse. All course work shall be taken at the graduate level at an accredited or
4 approved educational institution that offers a qualifying degree for licensure as a marriage and
5 family therapist, clinical social worker, educational psychologist, or professional clinical
6 counselor or through courses approved by the Board. Classroom attendance must be specifically
7 required. Course content shall be pertinent to the violation and all course work must be completed
8 within 18 months (or as approved by the Board) from the effective date of this Decision.

9 Within 90 days of the effective date of the Decision respondent shall submit a plan for prior
10 Board approval for meeting these educational requirements. All costs of the course work shall be
11 paid by respondent. Units obtained for an approved course shall not be used for continuing
12 education units required for renewal of licensure.

13 **6. Abstain from Controlled Substances / Submit to Drug and Alcohol Testing**

14 Respondent shall completely abstain from the use or possession of controlled or illegal
15 substances unless lawfully prescribed by a medical practitioner for a bona fide illness.

16 Respondent shall immediately submit to random and directed drug and alcohol testing, at
17 respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a
18 minimum number of random tests per year for the duration of the probationary term, as
19 prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no
20 confidentiality in test results. Any confirmed positive finding will be immediately reported to
21 Respondent, Respondent's current employer, and the supervisor, if any, and shall be a violation of
22 probation.

23 If Respondent tests positive for a controlled substance, Respondent's license shall be
24 automatically suspended. Respondent shall make daily contact as directed by the Board to
25 determine if he must submit to testing. Respondent shall submit his test on the same day that he
26 is notified that a test is required. All alternative testing sites due to vacation or travel outside of
27 California must be approved by the Board prior to the vacation or travel.

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1 **7. Abstain from Use of Alcohol / Submit to Alcohol and Drug Testing**

2 Respondent shall completely abstain from the intake of alcohol during the period of
3 probation.

4 Respondent shall immediately submit to random and directed drug and alcohol testing, at
5 respondent's cost, upon request by the Board or its designee. Respondent shall be subject to a
6 minimum number of random tests per year for the duration of the probationary term, as
7 prescribed in the Uniform Standards Related to Substance Abuse listed herein. There will be no
8 confidentiality in test results. Any confirmed positive finding will be immediately reported to
9 Respondent, Respondent's current employer, and to the supervisor, if any, and shall be a violation
10 of probation.

11 If Respondent tests positive for alcohol and/or a controlled substance, Respondent's license
12 shall be automatically suspended. Respondent shall make daily contact as directed by the Board
13 to determine if he must submit to testing. Respondent shall submit his test on the same day that
14 he or she is notified that a test is required. All alternative testing sites due to vacation or travel
15 outside of California must be approved by the Board prior to the vacation or travel.

16 **8. Obey All Laws**

17 Respondent shall obey all federal, state and local laws, all statutes and regulations
18 governing the licensee, and remain in full compliance with any court ordered criminal probation,
19 payments and other orders. A full and detailed account of any and all violations of law shall be
20 reported by respondent to the Board or its designee in writing within seventy-two (72) hours of
21 occurrence. To permit monitoring of compliance with this term, respondent shall submit
22 fingerprints through the Department of Justice and Federal Bureau of Investigation within 30 days
23 of the effective date of the decision, unless previously submitted as part of the licensure
24 application process. Respondent shall pay the cost associated with the fingerprint process.

25 **9. File Quarterly Reports**

26 Respondent shall submit quarterly reports, to the Board or its designee, as scheduled on the
27 "Quarterly Report Form" (rev. 07/2016). Respondent shall state under penalty of perjury whether
28 he has been in compliance with all the conditions of probation. Notwithstanding any provision

1 for tolling of requirements of probation, during the cessation of practice respondent shall continue
2 to submit quarterly reports under penalty of perjury.

3 **10. Comply with Probation Program**

4 Respondent shall comply with the probation program established by the Board and
5 cooperate with representatives of the Board in its monitoring and investigation of the respondent's
6 compliance with the program.

7 **11. Interviews with the Board**

8 Respondent shall appear in person for interviews with the Board or its designee upon
9 request at various intervals and with reasonable notice.

10 **12. Failure to Practice**

11 In the event respondent stops practicing in California, respondent shall notify the Board or
12 its designee in writing within 30 calendar days prior to the dates of non-practice and return to
13 practice. Non-practice is defined as any period of time exceeding thirty calendar days in which
14 respondent is not engaging in any activities defined in Sections 4980.02, 4989.14, 4996.9, or
15 4999.20 of the Business and Professions Code. Any period of non-practice, as defined in this
16 condition, will not apply to the reduction of the probationary term and will relieve respondent of
17 the responsibility to comply with the probationary terms and conditions with the exception of this
18 condition and the following terms and conditions of probation: Obey All Laws; File Quarterly
19 Reports; Comply With Probation Program; Maintain Valid License/Registration; and Cost
20 Recovery. Respondent's license shall be subject to cancellation if Respondent's periods of non-
21 practice total two years.

22 **13. Change of Place of Employment or Place of Residence**

23 Respondent shall notify the Board or its designee in writing within 30 days of any change
24 of place of employment or place of residence. The written notice shall include the address, the
25 telephone number and the date of the change.

26 **14. Supervision of Unlicensed Persons**

27 While on probation, respondent shall not act as a supervisor for any hours of supervised
28 practice required for any license issued by the Board. Respondent shall terminate any such

1 supervisorial relationship in existence on the effective date of this Decision.

2 **15. Notification to Clients**

3 Respondent shall notify all clients when any term or condition of probation will affect their
4 therapy or the confidentiality of their records, including but not limited to supervised practice,
5 suspension, or client population restriction. Such notification shall be signed by each client prior
6 to continuing or commencing treatment. Respondent shall submit, upon request by the Board or
7 its designee, satisfactory evidence of compliance with this term of probation.

8 **16. Notification to Employer**

9 Respondent shall provide each of his current or future employers, when performing services
10 that fall within the scope of practice of his license, a copy of this Decision and the Statement of
11 Issues or Accusation before commencing employment. Notification to respondent's current
12 employer shall occur no later than the effective date of the Decision or immediately upon
13 commencing employment. Respondent shall submit, upon request by the Board or its designee,
14 satisfactory evidence of compliance with this term of probation.

15 Respondent shall provide to the Board the names, physical addresses, and telephone
16 numbers of all employers, supervisors, and contractors.

17 Respondent shall complete the required consent forms and sign an agreement with the
18 employer and supervisor, or contractor, and the Board to allow the Board to communicate with
19 the employer and supervisor or contractor regarding the licensee or registrant's work status,
20 performance, and monitoring.

21 **17. Violation of Probation**

22 If respondent violates the conditions of his probation, the Board, after giving respondent
23 notice and the opportunity to be heard, may set aside the stay order and impose the discipline
24 (revocation/suspension) of respondent 's license provided in the Decision.

25 If during the period of probation, an accusation, petition to revoke probation, or statement
26 of issues has been filed against respondent's license or application for licensure, or the Attorney
27 General's office has been requested to prepare such an accusation, petition to revoke probation, or
28 statement of issues, the probation period set forth in this Decision shall be automatically extended

1 and shall not expire until the accusation, petition to revoke probation, or statement of issues has
2 been acted upon by the Board. Upon successful completion of probation, respondent's license
3 shall be fully restored.

4 **18. Maintain Valid License**

5 Respondent shall, at all times while on probation, maintain a current and active license with
6 the Board, including any period during which suspension or probation is tolled. Should
7 respondent's license, by operation of law or otherwise, expire, upon renewal respondent's license
8 shall be subject to any and all terms of this probation not previously satisfied.

9 **19. License Surrender**

10 Following the effective date of this Decision, if respondent ceases practicing due to
11 retirement or health reasons, or is otherwise unable to satisfy the terms and conditions of
12 probation, respondent may voluntarily request the surrender of his license to the Board. The
13 Board reserves the right to evaluate respondent's request and to exercise its discretion whether to
14 grant the request or to take any other action deemed appropriate and reasonable under the
15 circumstances. Upon formal acceptance of the surrender, respondent shall within 30 calendar
16 days deliver respondent's license and certificate and if applicable wall certificate to the Board or
17 its designee and respondent shall no longer engage in any practice for which a license is required.
18 Upon formal acceptance of the tendered license, respondent will no longer be subject to the terms
19 and conditions of probation.

20 Voluntary surrender of respondent's license shall be considered to be a disciplinary action
21 and shall become a part of respondent's license history with the Board. Respondent may not
22 petition the Board for reinstatement of the surrendered license. Should respondent at any time
23 after voluntary surrender ever reapply to the Board for licensure respondent must meet all current
24 requirements for licensure including, but not limited to, filing a current application, meeting all
25 current educational and experience requirements, and taking and passing any and all examinations
26 required of new applicants.

27 **20. Instruction of Coursework Qualifying for Continuing Education**

28 Respondent shall not be an instructor of any coursework for continuing education credit

required by any license issued by the Board.

21. Notification to Referral Services

Respondent shall immediately send a copy of this Decision to all referral services registered with the Board in which respondent is a participant. While on probation, respondent shall send a copy of this Decision to all referral services registered with the Board that respondent seeks to join.

22. Reimbursement of Probation Program

Respondent shall reimburse the Board for the costs it incurs in monitoring the probation to ensure compliance for the duration of the probation period. Reimbursement costs shall be \$1,200 per year.

23. Cost Recovery

Respondent shall pay the Board \$1,805 as and for the reasonable costs of the investigation and prosecution of Case No. 200-2021-000271. Respondent shall make such payments in accordance with a payment plan outlined by the Board. Respondent shall make the check or money order payable to the Board of Behavioral Sciences and shall indicate on the check or money order that it is the cost recovery payment for Case No. 200-2021-000271. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full payment has been made. Should any part of cost recovery not be paid in accordance with the outlined payment schedule, respondent shall be considered to be in violation of probation. A period of non-practice by respondent shall not relieve respondent of his obligation to reimburse the Board for its costs.

Cost recovery must be completed six months prior to the termination of probation. A payment plan authorized by the Board may be extended at the discretion of the Enforcement Manager based on good cause shown by the probationer.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Licensed Clinical Social Worker License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Behavioral Sciences.

DATED: 8/12/22

ASQ 2

ARMANDO SOTO, JR.
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Behavioral Sciences.

DATED: 9/2/22

Respectfully submitted,

ROB BONTA
Attorney General of California
KIM KASRELIOVICH
Supervising Deputy Attorney General

TR
THOMAS L. RINALDI
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 200-2021-000271

1 ROB BONTA
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2 KIM KASRELIOVICH
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
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15 Licensed Clinical Social Worker
License No. LCSW 87970

ACCUSATION

16 Respondent.
17

18
19 **PARTIES**

20 1. Steve Sodergren (Complainant) brings this Accusation solely in his official capacity
21 as the Executive Officer of the Board of Behavioral Sciences (Board), Department of Consumer
22 Affairs.

23 2. On or about February 25, 2019, the Board issued Licensed Clinical Social Worker
24 License Number LCSW 87970 to Armando Soto, Jr. (Respondent). The Licensed Clinical Social
25 Worker License was in full force and effect at all times relevant to the charges brought herein and
26 will expire on February 28, 2023, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code unless otherwise indicated.

4 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
5 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period
6 within which the license may be renewed, restored, reissued or reinstated.

7 5. Section 4990.33 states:

8 Notwithstanding any other law, except as provided in Section 4990.32, the
9 expiration, cancellation, forfeiture, or suspension of a license, registration, or other
10 authority to practice by operation of law or by order or decision of the board or a
11 court of law, the placement of a license on a retired status, or the voluntary surrender
12 of a license or registration by a licensee or registrant, of any license or registration
13 within the authority of the board, shall not deprive the board of jurisdiction to
14 commence or proceed with any investigation of, or action or disciplinary proceeding
15 against, the licensee or registrant or to render a decision suspending or revoking the
16 license or registration.

17 6. Section 4996.11 states:

18 The board may suspend or revoke the license of any person who is guilty on the
19 grounds set forth in Section 4992.3. The proceedings for the suspension or revocation
20 of licenses under this article shall be conducted in accordance with Chapter 5
21 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
22 Government Code, and the board shall have all the powers granted in that chapter.

23 **STATUTORY PROVISIONS**

24 7. Section 490 provides, in pertinent part, that a board may suspend or revoke a license
25 on the ground that the licensee has been convicted of a crime substantially related to the
26 qualifications, functions, or duties of the business or profession for which the license was issued.

27 8. Section 4992.3 states, in pertinent part:

28 The board may deny a license or a registration, or may suspend or revoke the
license or registration of a licensee or registrant if the licensee or registrant has been
guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited
to, the following:

(a) The conviction of a crime substantially related to the qualifications,
functions, or duties of a licensee or registrant under this chapter. The record of
conviction shall be conclusive evidence only of the fact that the conviction occurred.
The board may inquire into the circumstances surrounding the commission of the
crime in order to fix the degree of discipline or to determine if the conviction is
substantially related to the qualifications, functions, or duties of a licensee or
registrant under this chapter. A conviction has the same meaning as defined in
Section 7.5. The board may order any license or registration suspended or revoked, or

1 may decline to issue a license or registration when the time for appeal has elapsed, or
2 the judgment of conviction has been affirmed on appeal, or, when an order granting
3 probation is made suspending the imposition of sentence. All actions pursuant to this
4 subdivision shall be taken pursuant to Division 1.5 (commencing with Section 475).

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6 (c) Administering to themselves any controlled substance or using any of the
7 dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or
8 in a manner, as to be dangerous or injurious to the person applying for a registration
9 or license or holding a registration or license under this chapter, or to any other
10 person, or to the public, or, to the extent that the use impairs the ability of the person
11 applying for or holding a registration or license to conduct with safety to the public
12 the practice authorized by the registration or license. The board shall deny an
13 application for a registration or license or revoke the license or registration of any
14 person who uses or offers to use drugs in the course of performing clinical social
15 work. This provision does not apply to any person also licensed as a physician and
16 surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act
17 who lawfully prescribes drugs to a patient under the person's care.

18 **REGULATORY PROVISIONS**

19 9. California Code of Regulations, title 16, section 1812, subdivision (a) states:

20 For purposes of denial, suspension, or revocation of a license pursuant to
21 Section 141, Division 1.5 (commencing with Section 475), or Section 4982, Section
22 4989.54, Section 4992.3, or Section 4999.90 of the Code, a crime, professional
23 misconduct, or act shall be considered to be substantially related to the qualifications,
24 functions or duties of a person holding a license under Chapters 13, 13.5, 14, and 16
25 of Division 2 of the Code if to a substantial degree it evidences present or potential
26 unfitness of a person holding a license to perform the functions authorized by the
27 license in a manner consistent with the public health, safety or welfare. For purposes
28 of this section, "license" shall mean license or registration.

18 **COST RECOVERY**

19 10. Section 125.3 provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licensee found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Convictions of Substantially Related Crimes)**

25 11. Respondent is subject to disciplinary action under sections 490 and 4992.3,
26 subdivision (a), in conjunction with California Code of Regulations, title 16, section 1812,
27 subdivision (a), in that Respondent was convicted of crimes substantially related to the
28 qualifications, functions, or duties of a Licensed Clinical Social Worker, as follows:

1 a. On or about March 24, 2022, after pleading nolo contendere, Respondent was
2 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
3 [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal
4 proceeding entitled *The People of the State of California v. Armando Soto* (Super. Ct. L.A.
5 County, 2022, No. 1IN00935). The court sentenced Respondent to serve 10 days in jail, ordered
6 him to complete an 18-month second offender DUI program, and placed him on 60 months'
7 probation, with terms and conditions. The circumstances surrounding the conviction are that on
8 or about April 5, 2021, Respondent collided with a building causing major damage to the building
9 and his vehicle. When police officers arrived at the scene, Respondent admitted to being the
10 driver of the vehicle at the time of the collision. Respondent also displayed symptoms of
11 intoxication and had a strong odor of alcohol emitting from his person. A records check revealed
12 that Respondent's driver's license was suspended due to a previous alcohol related violation.
13 Respondent was subsequently transported to a hospital for injuries where he provided a blood
14 sample that that revealed a blood alcohol content level of 0.25%.

15 b. On or about January 20, 2022, after pleading guilty, Respondent was convicted of one
16 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under the
17 influence of alcohol] and one misdemeanor count of violating Vehicle Code section 23152,
18 subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in his blood] in the
19 criminal proceeding entitled *The People of the State of California v. Armando Soto, Jr.* (Super.
20 Ct. Orange County, 2022, No. 20HM10998). The court sentenced Respondent to serve 2 days in
21 jail, ordered him to complete a 9-month first offender DUI program, and placed him on 3 years'
22 probation, with terms and conditions. The circumstances surrounding the conviction are that on
23 or about July 30, 2020, Respondent was involved in a two vehicle collision and fled the scene.
24 Respondent was subsequently located by officers at a nearby park and ride where he refused to
25 answer any questions, but the officers could smell the odor of alcohol emitting from his breath
26 and person. He was also observed to have red glassy eyes and his speech was thick and slurred.
27 During the booking procedure, Respondent provided a breath sample that revealed a breath
28 alcohol content level of .26% on the first reading and 0.24% on the second and third readings.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 12. Respondent is subject to disciplinary action under section 4992.3, subdivision (c), on
4 the grounds of unprofessional conduct, in that on or about July 30, 2020 and April 5, 2021,
5 Respondent used alcoholic beverages in a manner dangerous or injurious to himself, to any
6 person, or to the public. Complainant refers to, and by this reference incorporates, the allegations
7 set forth above in paragraph 11, as though fully set forth herein.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Behavioral Sciences issue a decision:

11 1. Revoking or suspending Licensed Clinical Social Worker License Number LCSW
12 87970, issued to Armando Soto, Jr.;

13 2. Ordering Armando Soto, Jr. to pay the Board of Behavioral Sciences the reasonable
14 costs of the investigation and enforcement of this case, pursuant to Business and Professions
15 Code section 125.3; and,

16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: May 18, 2022

Steve Sodergren

STEVE SODERGREN
Executive Officer
Board of Behavioral Sciences
Department of Consumer Affairs
State of California
Complainant

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